

EXHIBIT "5"

IN THE CIRCUIT COURT OF
RUSSELL COUNTY, ALABAMA

B. GARY DAY,)
Plaintiff,)
V.) CIVIL ACTION NO.: CV-06-59
WALTER EDWARD FRENCH, III;)
CHRISTOPHER B. FRENCH; JOHN)
FLORY; JEROME SHORT,)
Defendants.)

NOTICE OF FILING OF NOTICE OF REMOVAL

TO:

Honorable Kathy S. Coulter
Circuit Clerk
Russell County Courthouse
P.O. Box 518
501 14th Street
Phenix City, AL 36868-0518

Please take notice that the Defendant John Flory has on this date filed its Notice of Removal, a true and correct copy of which is attached hereto as Exhibit "A", in the Office of the Clerk of the United States District Court for the Middle District of Alabama, Northern Division, at Montgomery, Alabama.

Dated this the 20th day of March, 2006.



ROGER S. MORROW, MOR032



JOEL H. PEARSON, PEA019
Attorneys for Defendant, John Flory

OF COUNSEL:

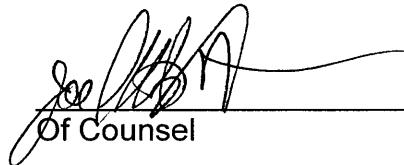
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the following by placing a copy of same in the United States mail, first class postage prepaid on this the 20th day of March, 2006.

Hon. James L. Martin
P.O. Box 14
Eufaula, Alabama 36072-0014

Hon. Sydney S. Smith
1503 Broad Street
Phenix City, Alabama 36867



Of Counsel